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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues in relation to the third periodic report of Tajikistan

Addendum

Replies of Tajikistan to the list of issues*

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Articles 1 and 4

Paragraph 2

1. Since 2013 procuratorial bodies have initiated six criminal cases involving torture against law enforcement officers. The proceedings have now been completed. Three criminal cases were brought to court against three persons, who were sentenced to deprivation of liberty. On 3 April 2017, the Sino district court in Dushanbe for instance found O. M. Khakimov guilty under article 143 (1) (1) of the Criminal Code and sentenced him to deprivation of liberty of 3 years and 6 months, to be served at an ordinary-regime correctional colony. It was established that Mr. Khakimov, working as a senior district police inspector, had O. A. Stepanov moved to Ministry of Internal Affairs bureau No. 19 in the Sino district of Dushanbe. After binding Mr. Stepanov's hands, he used torture to extract a confession of theft.

Paragraph 3

2. To carry out the national plan for the implementation of the recommendations issued by the United Nations Human Rights Council and the Committee against Torture, the Ministry of Justice has drawn up a bill for the amendment of article 143 (1) (1) of the Criminal Code. The bill would strengthen the penalty for the use of torture. It has been transferred to a working group on the drafting of a new version of the Criminal Code. The draft calls for increasing the term of deprivation of liberty to 8 years under article 143 (1) (1) of the Criminal Code and to 10 years under article 143 (2).

3. The Code of Criminal Procedure, which prohibits torture and inhuman treatment, stipulates that any evidence obtained by such means is inadmissible. As part of the effort to strengthen procedural guarantees for individuals' rights, the parliament adopted an Act on Amendments to the Code of Criminal Procedure. The Act inter alia calls for arrested persons to be informed of their rights at the actual place of arrest, stipulates that the personal data of all persons taking part in arrests must be entered in the police report and the arrest registry, and provides for the arrested person to have immediate access to a lawyer and a medical check-up. Access to a lawyer has been made significantly easier; detainees have the right to a lawyer from the moment of arrest and to have an interview with their lawyer prior to the first interrogation, and the detainee and the lawyer have the right to consult entries in the detention records and to request that they be amended. Also, the 12-hour period for the notification of an arrested person's family members, which had previously been established under the law, has been abolished. Detainees' family members are now notified immediately of their detention, whereabouts and any change in the place of their detention.

Paragraphs 4 and 5

4. The Code of Criminal Procedure stipulates that in accordance with articles 72, 73, 74 and 75 of the Criminal Code, a court, judge, procurator, investigator or detective may, in application of these articles and with the consent of the procurator, refuse to initiate criminal proceedings or terminate a criminal case, exempting the person of criminal liability, in the following cases:

- Repentance of the accused;
- Conciliation with the victim and compensation for harm suffered;
- Change of circumstance;
- Or expiration of the statute of limitation for criminal prosecution.

5. Article 75 of the Code of Criminal Procedure establishes that a person who has committed a crime is exempt from criminal prosecution if the statute of limitation has elapsed. The period is 6 years for an ordinary offence, 10 years for a serious offence and 15 years for an especially serious offence, except for offences punishable by life imprisonment, in which case the matter is then decided by the court.

6. Article 143 (1) (1) of the Criminal Code covers acts of torture classed as ordinary offences. There are plans to stiffen the penalties under this section (see answers under paragraph 3), thus reclassifying the offence as a serious offence.

7. As for the non-applicability of amnesties for perpetrators of torture, every time an amnesty law is adopted, it includes provisions setting out categories of crimes that do not fall within its scope. In future, Tajikistan will take into account this recommendation of the Human Rights Council and the Committee against Torture during the adoption of amnesty laws.

Paragraph 6

8. [redacted] concept of torture is fully in accordance with article 1 of the Convention against Torture and covers all forms of direct participation or complicity of officials in torture. Qualification of offences is carried out in accordance with the Criminal Code. If the actions of the person in question are covered by article 143 (1) of the Criminal Code, the actions may not be qualified under other articles.

Article 2

Paragraph 7

9. To ensure that illegal arrests and deprivation of liberty are detected in a timely manner and prevented from occurring, round-the-clock videosurveillance cameras have been installed at investigators' offices, police stations and duty offices.

10. In accordance with Order No. 30 issued by the Procurator General on 15 February 2016, procurators are to carry out regular checks at least once every five days at temporary holding facilities, holding centres and military detention barracks. If they receive reliable information requiring action, they are to do so immediately.

Paragraph 8

11. The Procurator General's Office maintains a single registry of complaints of torture. According to the statistics, there were 16 complaints or allegations of torture in 2013, 13 in 2014, 21 in 2015, 10 in 2016 and 21 in 2017.

12. The procuratorial bodies are the ones responsible for considering complaints or allegations of torture and for carrying out preliminary investigations of criminal cases involving torture. Of course, the internal inspection units of the law enforcement agencies too are involved in bringing to light allegations of torture and other violations of citizens' rights and conducting initial investigations.

13. The Commissioner for Human Rights (Ombudsman) performs the function of an independent body with sufficient authority and competence to carry out independent investigations of allegations and reports of torture and ill-treatment. Obstruction of the Commissioner's work is prohibited. The Commissioner for Human Rights Act was amended in 2012 to significantly expand the powers of the Commissioner's Office. The Commissioner was thus inter alia granted the right to have unimpeded access to places of deprivation of liberty and to have access to criminal case files.

Paragraph 9

14. Under the Amnesty Act of 20 August 2011, effective measures were taken to prevent impunity and the improper mitigation of penalties applied to persons convicted of torture. Specifically, the most significant and widely applied provision of the amnesty, the "full exemption from criminal responsibility" provided under article 4, was not applicable to serious offences related to the crime of torture. The law was implemented within a period of three months.

15. As for the non-applicability of amnesties for perpetrators of torture, every time an amnesty law is adopted, it includes provisions setting out categories of crimes that do not fall within its scope. Please refer to the reply under paragraph 5.

Paragraphs 10 and 11

16. Under the Constitution, everyone has the right to liberty and security of person. No one may be subjected to detention or arrest without legitimate grounds. The Code of Criminal Procedure, the Act on State Protection of Parties to Criminal Proceedings and the Code of Administrative Offences provide the legal framework for arrest and custody procedures. Under articles 49 and 92 of the Code of Criminal Procedure, arrested persons have the right to have access to a lawyer from the actual moment of arrest or from the initiation of a criminal case.

17. A joint order approving a document under the title "Instruction on Arrests" was issued on 24 October 2012 by the Procurator General, the Ministers of Justice and Internal Affairs, the Chair of the State Committee on National Security and the heads of other law enforcement agencies in order to ensure that the main guarantees of human rights are respected during arrests.

18. The Instruction provides for detainees' rights to be explained to them at the location of their actual arrest (including the right to meet with a lawyer, to remain silent and not to be subjected to torture); for them to have prompt access to counsel; for detailed information about the arrest (including the surname and position of all the persons involved) to be recorded and for counsel and the detainees themselves to have access to the record; for detainees to undergo a medical examination; for the prohibition of detention at places other than official places of detention; and for the relatives of detainees to be notified of their arrest and of any transfer to another place of detention.

19. Administrative detention, or short-term restriction of a person's freedom, may be applied in exceptional cases, if necessary to ensure the proper and timely consideration of a case or for the enforcement of a judgment in a case involving an administrative offence. The place of detention of persons under arrest is promptly notified to their relatives, those in charge at their workplace (or place of study) and also their defence counsel. Detainees are informed of their rights and obligations under the Code of Criminal Procedure and a corresponding entry is made in the administrative detention log.

20. Tajikistan has fully complied with recommendations of the United Nations Human Rights Council (90; 30) and of the Special Rapporteur on torture regarding effective procedural guarantees at the moment of arrest and the scrupulous registration of all information about detainees. Access to counsel has been significantly facilitated. Detainees have the right of access to counsel from the actual moment of arrest and are able to meet in private with their lawyers before the first time they are questioned. The detainee and the lawyer have the right to consult entries in the detention records and request that they be amended. The 12-hour period for the notification of an arrested person's family members, which had previously been established under the law, has been abolished. Detainees' family members are now notified immediately of their detention, whereabouts and any change in their place of detention. Amendments to the Code of Criminal Procedure provide that the period of custody is calculated from the actual moment of arrest, which is defined in the Code itself.

21. The Bar and Advocacy Act was adopted in 2015. The Act explicitly regulates all the powers, rights and obligations of lawyers, the means of obtaining the status of a lawyer and the safeguards of the independence of lawyers; it also regulates the procedures for insuring lawyers' activities, for the provision by lawyers of legal assistance to the population and for suspending or discontinuing their work.

22. Unlike the previous law, the new law establishes a qualification commission to deal with the granting and withdrawal of the status of a lawyer and for certification of lawyers with the Ministry of Justice. The commission is composed of two representatives of the Ministry of Justice, one from the Supreme Court, five from the Lawyers' Union (elected by the Congress of Lawyers) and one representative with a degree in jurisprudence designated by Tajik National University. The commission's activities are thus steered by the Lawyers' Union, as its decisions are taken by a simple majority. The Ministry of Justice merely organizes the commission's work.

23. Recent amendments to the Bar and Advocacy Act have focused on conditions of admission and not on the competence of the Ministry of Justice. Specifically, they make it impossible to apply for status as a lawyer if a person has been convicted of a crime or has had a criminal case dismissed on non-exculpatory grounds, or if he or she has been dismissed from law enforcement agencies, courts or military units for violating a professional oath or for corruption.

Paragraphs 12 and 13

24. The Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants was adopted on 28 June 2011 in order to strengthen legal safeguards of prisoners' rights. The Act, among other things, includes provisions for the medical examination of detainees upon arrival at places of detention and for their access to medical staff and health care.

25. In addition, Tajikistan has fully complied with the recommendations of the United Nations Human Rights Council (90; 30) and of the Special Rapporteur on torture regarding effective procedural guarantees at the moment of arrest and the scrupulous registration of all information about detainees. On 30 March 2016, the parliament adopted amendments to the Code of Criminal Procedure and the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants.

26. At penal system institutions, there are salaried medical professionals who, in accordance with their assigned tasks, are responsible for the medical examination of persons in pretrial detention.

27. In 2015, at the initiative of the Ministry of Health and Welfare, three-day seminars on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) were held in Dushanbe, Khujand and Qurghonteppa, with the participation of 15 medical staff working for the penal enforcement system.

28. With regard to the establishment of a formal central register for the registration of all arrests, it should be noted that a journal of all persons in custody is kept at all places of detention. The journal includes data on the identities of detainees, times and dates of arrival, the documentation justifying incarceration (the date and number of the arrest record and findings of the detective, investigator or court), as well as the date and reason for transfer to another institution or for release.

Paragraph 14

29. During the reporting period no cases were registered where officials were prosecuted for failing to provide persons deprived of their liberty with procedural safeguards against torture.

Paragraph 15

30. The law enforcement agencies have taken effective measures to prevent torture in their local offices. The heads of all law enforcement agencies have thus issued special orders on additional measures to prevent torture.

31. Specifically, the Ministry of Internal Affairs has set up videosurveillance cameras at local internal affairs offices to monitor and supervise actions by internal affairs officers during arrest and detention. All the information from the videocameras is transmitted to a control panel at the Ministry of Internal Affairs, where it is processed and analysed. Appropriate action is taken in response to any cases of human rights violations.

32. To train cadets and officers, the Academy of the Ministry of Internal Affairs has set up a training room with one-way mirrors and recording equipment. Such premises are in service at local internal affairs units for the questioning and identification of suspects.

33. In addition, a 24-hour hotline-helpline available to all, a feedback website and a 1919 assistance line have been set up.

Paragraph 16

34. According to the Code of Criminal Procedure, the term of pre-charge detention for suspects and accused persons prior to a decision by a court on a preventive measure is 72 hours. The investigator's decision to request pretrial detention, with a file documenting the need to place the person in custody, must be presented to the court no later than eight hours before the period elapses, i.e., within 64 hours after the arrest.

35. Regarding the recommendation to limit the term of pre-charge detention by 16 hours, to 48 hours from the moment of arrest, this would inevitably limit the court's ability to carry out a comprehensive consideration of the case.

Paragraph 17

36. Under article 111 of the Code of Criminal Procedure, the court's issuance of an authorization must be based on a case file presented by the body conducting the initial inquiry or the pretrial investigation agency and providing a basis for suspicion of the commission of a crime, together with the impossibility of imposing another form of preventive measure. The case file is reviewed by the judge, and the participation of the suspect, the defence counsel and the prosecutor is mandatory. Where necessary, the judge may defer the decision by at most 72 hours to allow for the presentation of more solid grounds for the arrest.

37. On 25 June 2012 the plenum of the Supreme Court issued a decision on the application of criminal and criminal procedure legislation to combat torture. Paragraph 19 of the decision specifies that the courts must immediately release a detainee if the three-hour limit for drawing up the arrest report, the 72-hour limit for detention without a court order or the period of detention has been violated and that they must consider bringing criminal charges against those responsible.

38. With the amendments introduced into the Constitution on 22 May 2016, changes were made to the Constitutional Act on the Courts, and a presidential order issued on 9 June 2016 did away with the Council of Justice. The functions of the Council of Justice for organizing and providing logistic and technical support for the courts and for selecting and training candidates for judgeships and improving the qualifications of judges and judicial staff have been transferred to the Judicial Training Centre under the Supreme Court and to the Supreme Economic Court.

39. A qualifications board for judges has been set up to implement article 111 of the Constitutional Act on the Courts, to strengthen the democratic basis for the selection of officials and guarantees of the independence of judges, and to ensure that worthy candidates are put forward for judgeships. The qualifications board is responsible inter alia for issuing opinions on recommended candidates for judgeships, for nominating candidates to chair courts, for dismissing judges and for considering disciplinary cases involving the country's judges. The board's decisions and opinions are subject to appeal before the Supreme Court.

40. Article 84 of the Constitution sets the term of office of judges at 10 years. In accordance with article 15 (2) of the Constitutional Act on the Courts, when a sitting judge is elected or appointed to a new judgeship, the 10-year term is counted from the time of the new election or appointment.

41. The State is intensely focused on strengthening the judicial branch, improving the judiciary, increasing the role of the courts in defending human and civil rights and freedoms and ensuring justice and the rule of law.

Paragraph 18

42. A State programme to prevent domestic violence up until the year 2023 has been drawn up and is currently operational. It is aimed at the effective implementation of the Prevention of Domestic Violence Act. An Act on the Amendment of the Code of Administrative Offences, adopted on 19 March 2013, included article 93 (1) in the Code, under the title "Violations of the national legislation on the prevention of domestic violence".

43. The Criminal Code establishes liability for a number of crimes associated with domestic violence, including deliberate infliction of minor bodily injury (art. 112), assault (art. 116), torture (art. 117), deliberate infliction of bodily injury in a state of extreme emotional duress (art. 113) and hooliganism (art. 237). The question of the criminalization of domestic violence as a separate offence is under consideration by a working group.

44. Twelve domestic violence prevention units have been established (and have received more than 2,500 victims of domestic violence), along with 18 crisis centres and 3 crisis centre outreach offices. Local governments have set up 105 information and counselling centres to provide legal and psychological support to women, and the district and municipal hospitals in a number of regions have set up units to advise and assist victims of domestic violence.

45. On 17 March 2010 the post of domestic violence inspector was established at internal affairs units, and on 20 April 2015 instructions were adopted on the work of the staff of the internal affairs agencies in preventing, eliminating and responding to cases of domestic violence.

46. According to the statistics, 274 criminal cases were opened in 2015, 105 in 2016 and 75 in 2017 following reports and complaints of domestic violence. In 2017, the country's courts issued 83 convictions against 88 persons for domestic violence.

Paragraph 19

47. Tajikistan takes effective measures against trafficking in persons. To implement the Act on Combating Trafficking in Persons and the Provision of Services for Human Trafficking Victims and the National Plan to combat trafficking in persons in Tajikistan for the period 2016-2018, the Ministry of Labour, Migration and Employment approved a sectoral plan on measures to identify victims of trafficking and provide them with appropriate services. Under this plan, information events to combat human trafficking are held regularly to raise public awareness, including among migrant workers and students at State educational establishments. For example, in 2017 the Migration Service, in cooperation with the relevant ministries and departments and local offices of State agencies, held 2,710 events and discussions, with the participation of 297,505 persons. The events held with migrant workers explained the legal procedures for admission to host countries, the need to undergo medical check-ups, the threat of forced labour or slavery during employment and other subjects of concern.

48. In order to improve the legislation against trafficking in persons, a government decision of 27 July 2016 approved a procedure for the implementation of a package of measures as part of the referral mechanism for victims of trafficking in persons. The procedure clearly sets out inter alia: measures for the protection and assistance of trafficking victims and vulnerable migrants; mechanisms established in the reporting period to provide unconditional assistance to victims; the provision of a special protection status during the entire criminal investigation; respect for victims' anonymity; protection of their personal data; mechanisms to identify persons subjected to exploitation; and the referral of cases to the competent authorities and to the agencies responsible for implementation of the procedure.

49. During the reporting period, a working group composed of representatives of the Procurator General's Office, the Ministry of Internal Affairs, the Ministry of Justice and Tajik National University drafted a series of bills to amend several laws. Specifically, the group drew up texts to amend the Act on Combating Trafficking in Persons and the Provision of Services for Human Trafficking Victims, the Criminal Code and the Code of Criminal Procedure. Government decisions are also under consideration for the amendment of: government decision No. 600 of 2 December 2008 on medical assistance for citizens of Tajikistan at State medical establishments; a decision on the adoption of model provisions for local commissions to combat human trafficking; and a decision on the adoption of model provisions for specialized government and non-governmental bodies to assist trafficking victims.

50. In 2017, procuratorial bodies initiated 42 criminal cases against 65 persons for crimes related to human trafficking. In 2016, 19 criminal cases were initiated against 25

persons. The number of cases initiated in 2017 and 2016, respectively, under the articles of the Criminal Code are as follows: article 130 (1) (trafficking in persons) — 18 criminal cases against 18 persons in 2017 (5 cases against 5 persons in 2016); article 132 (recruitment for exploitation) — 11 cases against 13 persons in 2017 (7 cases against 9 persons in 2016); article 167 (trafficking in minors) — 10 cases against 30 persons in 2017 (6 cases against 10 persons in 2016); article 335 (illegally organizing migration) — 3 cases against 4 persons (1 case against 1 person in 2016).

51. Among the above cases, 30 cases against 52 persons were sent to court (in 2016, 13 cases against 17 persons); proceedings in 9 cases against 18 persons (in 2016, 5 cases against 7 persons) were suspended pending a search for the accused party and 3 cases against 3 persons are at the stage of the preliminary investigation.

Articles 3, 5–9

Paragraphs 20–24

52. Tajikistan carries out international cooperation with the countries of the Commonwealth of Independent States on the basis of the Minsk and Chisinau Conventions on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 and 7 October 2002 and with other countries through bilateral intergovernmental agreements. When dealing with extradition, it takes into account the requirements of article 3 of the Convention against Torture, which prohibits the extradition of persons to other States where there are substantial grounds for believing that they would be in danger of being subjected to torture. Extradition is only carried out once the requesting State has provided written assurances that the person in question will not be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

53. These agreements do not establish any standards for minimum requirements for such obligations and assurances. Such questions are governed by chapters 49 and 50 of the Code of Criminal Procedure, respectively addressing extradition to stand trial in criminal proceedings or to serve a sentence and the transfer of persons to serve custodial sentences in their countries of citizenship.

54. In accordance with the applicable national law, it is the Procurator General's Office that handles international applications for legal assistance and extradition of criminals and other requests covered by international legal instruments in the context of international legal cooperation.

55. Intergovernmental agreements and treaties on mutual legal assistance and on extradition have been concluded with the Russian Federation and other countries of the Commonwealth of Independent States, China, the Islamic Republic of Iran, the United Arab Emirates, Afghanistan, Pakistan, the United States of America and India.

56. Article 479 of the Code of Criminal Procedure specifies that extradition is not allowed if there is evidence to suggest that the person might be tortured in the requesting State.

57. According to statistical information, the number of persons extradited from other States to Tajikistan was 49 in 2013; 47 in 2014; 54 in 2015; 66 in 2016; and 102 in 2017. The number of persons extradited from Tajikistan to other countries was 5 in 2013 (2 to the Russian Federation and 3 to Uzbekistan); 2 in 2014 (1 to Turkmenistan and 1 to Uzbekistan); 3 in 2015 (1 to the Russian Federation and 2 to Uzbekistan); 4 in 2016 (2 to the Russian Federation and 2 to Uzbekistan) and 5 in 2017 (4 to Uzbekistan and 1 to Turkmenistan).

Article 10

Paragraph 25

58. A great deal of attention is paid to increasing awareness of torture prevention on the part of officials in law enforcement bodies. Torture prevention has been incorporated into

the curricula of institutes and centres that improve the qualifications of judges and officials of all law enforcement agencies.

59. To study how forensic, medical and criminal expert assessments are assigned and carried out in cases involving sex crimes, crimes against sexual inviolability and trafficking, the Institute for the study of law, order and crime and for improvements in the qualifications of procurators has held a number of seminars for young procurators. The sessions included participation by staff of the Procurator General's Office, forensic medical experts and criminal forensic experts working for the Ministry of Health and Social Protection and also for the Ministry of Justice. The officials were instructed in the methods of assignment and were taught how to perform forensic medical analyses and investigations into these kinds of criminal cases.

60. Officials of the procuratorial agencies published two academic articles on sex crimes and crimes against sexual inviolability. In addition, officials from procuratorial bodies, together with professors from the Legal Faculty of Tajik National University, co-authored and published two studies and a commentary on the Act on Combating Trafficking in Persons and the Provision of Services for Human Trafficking Victims.

61. Essential seminars on combating human trafficking have been held, with financial assistance from international human rights organizations, including the office of the International Organization for Migration in Tajikistan and the branch of the American Bar Association in Tajikistan. Officials from the procuratorial services, the Ministry of Health and Social Protection, the Ministry of Education and Science, the Ministry of Internal Affairs and staff from the country's consulates and diplomatic representations in other countries took part, as well as lawyers and judges. These events were intended to improve the level of knowledge and professional qualifications of officials in the procuratorial services and internal affairs bodies, lawyers, consuls and staff working in the health and education systems.

62. Despite the measures taken in this area, there are still certain challenges and problems in the daily life of families.

63. Specifically, in 2017 there were 73 crimes of domestic violence, including 29 murders, 28 cases that led to suicide, 4 cases where infants were abandoned in dangerous situations, 6 rapes and 12 cases of sexual assault.

64. Criminal cases were initiated under the corresponding articles of the Criminal Code. Of these, 64 led to indictments and went to court for consideration on the merits. Other legal actions were taken in the rest of the cases.

65. A study of the criminal cases established that the basic reasons for such offences are unfounded jealousy, a lack of ethical values or family culture and low legal awareness in the family.

66. Further training classes for procurators are held regularly at the Procuratorial Staff Development Institute. Seminars are held on human trafficking, investigation methods, prevention, research and the use of evidence in accordance with procedural rules. Procurators are obliged to take part in seminars held by international and non-governmental organizations (NGOs) on various subjects related to combating crime, on measures for preventing and suppressing crime and on the causes and conditions give rise to it.

67. The problem of human trafficking is systematically studied, assessed and analysed by the Office of the Procurator General. The results are considered at meetings of the boards and the coordination councils of the country's law enforcement agencies and at interdepartmental meetings. Seminars are held in coordination with other departments and targeted measures are taken against violations of the law.

68. With the support of Caritas Luxembourg and the AIDS Foundation East-West (AFEW), 26 information seminars were organized and conducted for over 420 staff members of the penal correction system on the theme "The rights of convicted persons to treatment and relations with prisoners living with HIV/AIDS".

69. With support from an NGO, the Human Rights Centre, three-day information seminars were held in Dushanbe and Khujand to raise awareness of the Manual on the

Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and to ensure that medical evaluation forms are understood and correctly filled in. A total of 56 persons working in the prison system took part in the training. Of these, 33 were medical professionals and 23 were officials of the prison administration.

Article 11

Paragraph 26

70. The national plan of action to implement the recommendations made by the member States of the United Nations Human Rights Council as part of the second cycle of the universal periodic review, addressing the period 2017–2020, was approved by a presidential order of 7 June 2017. In accordance with paragraph 33.2 of the plan, Tajikistan is considering acceding to the Optional Protocol to the Convention against Torture and also to other instruments by 2020. The question of ratification of the Optional Protocol is also being discussed in the framework of implementation of the recommendations issued by the Committee against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

71. Establishment of a national preventive mechanism will be considered after the ratification of the Optional Protocol.

72. A precursor to a national preventive mechanism capable of constant inspection of places of pretrial detention has now been set up under the Office of the Commissioner for Human Rights, in the form of the monitoring group. The group is composed of representatives of State bodies and of organizations that are members of the Civil Society Coalition against Torture and Impunity. One of the monitoring group's tasks is to examine the question of ratifying the Optional Protocol to the Convention against Torture.

73. During monitoring, all areas of the establishments in question are checked, including quarters, canteens, infirmaries, baths and other communal facilities, and their upkeep and provision with supplies are verified. In addition, surveys are carried out of the staff and of the inmate population. The monitoring group presents an annual report on its visits to closed institutions and presents recommendations for action on the basis of the report.

74. For example, in 2017 the monitoring group visited the YS 3/8 women's prison in Norak, the YS 3/11 prison in Khujand and the YT 9/6 remand centre in Qurghonteppa, where it carried out two-day monitoring activities. During the monitoring, no complaints of ill-treatment or torture were registered. A draft strategy for the reform of the penal system up to the year 2025 has been drawn up to develop the penal correction system and to improve conditions of detention and observance of the rights of suspects, accused persons, defendants and convicts.

75. In accordance with the requirements of article 134 (1) of the Penal Enforcement Code, persons sentenced to life imprisonment serve their sentences at special regime correctional facilities. Where persons sentenced to life imprisonment serve their sentences, the conditions of detention provide for a special regime. Convicts serving sentences at such institutions are provided with all facilities, in accordance with the law. All prisoners are provided with medical and social assistance and adequate food.

76. Under national law, convicted persons are granted short visits with close relatives and have the right to unrestricted correspondence.

77. The Central Penal Enforcement Department of the Ministry of Justice organizes joint visits to prisons by NGOs and the media.

78. It has been proposed to the International Committee of the Red Cross (ICRC) to visit these facilities with the prior consent of the Ministry's Central Penal Enforcement Department.

79. On the issue of ICRC and independent NGO access to all military units and recruitment boards, access to such facilities is restricted by law owing to the fact that they

perform defence functions. To prevent and detect violations of the rights and freedoms of servicemen and new conscripts, ICRC and NGO representatives should either take action with procuratorial bodies or with the Commissioner for Human Rights, who is entitled to carry out preventive visits to such facilities without restriction.

Paragraph 27

80. All remand centres of the Central Penal Enforcement Department have all the conditions necessary for the accommodation of suspects, detainees and convicted prisoners. Sanitation and the timely provision of medical assistance are constantly monitored. In accordance with lawyers' requests, interviews are granted for the provision of qualified legal aid. Visits by relatives to persons under investigation are authorized by the authority that has initiated and is carrying out the respective criminal case. All cells are equipped with sanitary facilities and a constant supply of potable water. The facilities have bathing facilities that are used by the prison population on a rotational basis.

Paragraph 28

81. The number of inmates who died of various causes at the country's penal institutions was 174 (62 in 2015, 60 in 2016 and 52 in 2017).

82. The procuratorial authorities promptly carry out procedural measures to determine the cause of death in each case.

83. An analysis has shown that 163 deaths resulted from illness and 4 from suicide.

84. No reports were registered of torture or other cruel treatment being a cause of death.

85. Regarding the communication about the death of Ismonboy Dzhuraboyevich Boboev, State agencies are taking the appropriate measures on the basis of the Views adopted by the Human Rights Committee.

86. Regarding the deaths of Kurbon Mannonov and Nozimdzhon Tashripov, on 21 August 2015 Mr. Mannonov was sentenced by a court in Khatlon Province to 10 years of deprivation of liberty, to be served at a strict regime correctional colony, in application of articles 170 (bigamy or polygamy), 307 (1) (public calls for the violent change of the constitutional order of the Republic of Tajikistan) and 347 (2) (failure to report or concealment of a crime) of the Criminal Code. On 22 October 2015, Mr. Tashripov was sentenced by the military chamber of the Supreme Court to 10 years of deprivation of liberty, to be served at a strict regime correctional colony, in application of article 187 (2) (organization of a criminal association (organized crime)).

87. Mr. Mannonov and Mr. Tashripov were serving their sentences at correctional colony No. 3/4 and on 13 August 2016 and 31 July 2015 were respectively transferred to the infirmary at correctional colony No. 3/13 of the Central Penal Enforcement Department of the Ministry of Justice, where they later died.

88. The procuratorial authorities promptly carried out procedural measures to determine the cause of death in each case.

89. Verification of the cause of death established that Mr. Mannonov died of ischaemic heart disease, extensive cardiosclerosis, hypertension grade 3, risk 4 concomitant with occlusion of the aorta and cerebral vessels, duodenal ulcer with bleeding, and complications of stage 3 cardiac insufficiency; and Mr. Tashripov died of ischaemic heart disease, extensive cardiosclerosis, concomitant acute stage chronic pyelonephritis, atherosclerosis of the coronary and cerebral vessels, complications of stage 3 cardiac insufficiency and acute respiratory failure.

Paragraph 29

90. The National Action Plan for Juvenile Justice Reform for the period 2010-2015 was carried out in order to ensure juvenile justice, fully defend young people's rights and interests, create an appropriate environment for young people during initial inquiries and investigations and, when administrative and criminal cases are heard in court, appoint judges specializing in juvenile affairs to serve among active judges and further develop

legislation. Pursuant to the National Action Plan, with the support of UNICEF, halls and rooms used for hearing cases against young people have been refurbished in a number of districts and cities to bring the system into line with international standards for court cases involving young people.

91. In order to implement the United Nations Human Rights Council's recommendations on protecting the rights and interests of minors and to contribute to ongoing efforts to prevent crime among young people, a youth crime prevention service has been set up in the Ministry of Internal Affairs system specifically to protect the legitimate rights and interests of young people.

92. The Education Act calls for the establishment of various special educational institutions providing medical and social rehabilitation to children aged over 10 years whose behaviour is a danger to society, who have special needs in terms of education and upbringing and who require a special approach to teaching. Children are placed in these schools on the basis of court decisions.

93. The Policy Framework for Free Legal Aid provides for free legal aid for young people who do not have a guardian.

94. The Children's Rights Act was adopted in 2015. The Criminal Code has been amended to include article 130 (2), which establishes liability for forced labour.

95. Amendments have been made to the Family Code, Criminal Code, Code of Criminal Procedure and Penal Enforcement Code and other laws and regulations in order to refine the legislation governing the juvenile justice system. In addition, laws have been adopted containing provisions on juvenile justice that are in line with international rules and standards: the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants, the Act on Parental Responsibility for the Education and Upbringing of Children, the Prevention of Domestic Violence Act, the Education Act, the Children's Rights Act and the Act on Combating Trafficking in Persons and the Provision of Services for Human Trafficking Victims.

96. These laws and regulations provide important guarantees with regard to the rights of children in the juvenile justice system:

- During questioning of children, the presence of a lawyer, a legal representative or a teacher or psychologist is mandatory;
- Questioning of a minor suspected or accused of an offence may not continue for more than two hours without a break and for more than four hours in total in a day;
- Children must undergo a medical examination on admission to any place of deprivation of liberty;
- The minimum age of criminal responsibility is 14 years;
- Criminal investigations of cases against minors must be completed within six months;
- The maximum term of deprivation of liberty to which a minor may be sentenced is 12 years.

97. Since 2010, training has been an important part of the efforts made by all ministries and departments to raise the level of awareness of the rights and interests of children among judges, law enforcement officers, youth crime prevention services, procurators and staff of relevant bodies.

98. Attitudes towards and care of children in all closed and semi-closed institutions have improved as a result of independent monitoring, upgrading and restoration of facilities, staff training, training of social workers and psychologists and prevention work with children.

99. As part of this process, with a view to providing for juvenile justice, ensuring that children's rights and legal interests are fully guaranteed and creating an appropriate environment for young people during initial inquiries and investigations and at hearings of administrative and criminal cases in the courts, consideration is being given to appointing

juvenile judges to serve on courts to hear cases involving juvenile offences and introducing improvements to the law.

100. The draft strategy for the reform of the penal system up to the year 2025 provides for reform of the juvenile justice system, including the establishment of educational centres for young people who have committed minor offences, the separate detention of young people serving custodial sentences who are deemed capable of reintegrating into society, with consideration given to the seriousness of their offence, the threat that they pose to society and information on their personalities, on their behaviour in places of deprivation of liberty and on their attitude towards their offence.

101. Article 63 of the Penal Enforcement Code provides that juvenile offenders may receive short-term visits once a month for up to three hours by parents or persons in loco parentis. Article 16 of this Code defines the basic rights of convicted persons. Pursuant to article 16 (7), convicted persons are entitled to receive qualified legal assistance and to use the services of lawyers. Under article 18 of the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants, from the moment of their detention suspects, accused persons and defendants may receive visits from a defence lawyer in private, without restrictions on their number and duration.

102. One positive aspect for juvenile offenders is that amnesty laws are regularly applied to them.

103. The Programme for Reform of the Juvenile Justice System 2017–2021 was approved a government decision of 29 June 2017. The purpose of this Programme is to bring legislation and practice in the field of juvenile justice into line with international norms and standards, and it will lay the foundation for the creation of a system for child offenders and children who witness or are victims of crime and violence. The Programme will ensure the proper treatment of children, respecting their rights and dignity and effectively responding to the needs of each individual child, and it will help reduce the level of juvenile crime and limit reoffending. The Programme includes a process for developing a juvenile justice system that meets international standards, and the aim is to carry out reforms on the basis of an action plan for its implementation. In order to achieve the objectives of the Programme, and with the aim of providing qualified legal assistance for minors at all stages of legal proceedings, five training courses on juvenile justice were delivered in 2017 by the Institute for the Further Training of Lawyers at the Lawyers' Union, in conjunction with UNICEF, in which 100 lawyers from different cities participated.

104. In order to respect the rights of juvenile offenders detained in a penal institution as a special category of convicted person, the Central Penal Correction Department of the Ministry of Justice is constantly taking measures to improve conditions of detention and material and social welfare. Staff of the penal correction system who have direct contact with minors must undergo specific vocational training. Classes and seminars are thus held to improve their work and upgrade their qualifications. All employees who work directly with minors have undergone special training courses.

105. In order to strengthen legislation on direct prohibition of the use of violence against children, a working group has been set up under the national action plan for 2017–2020 to implement the recommendations made by Human Rights Council member States, in connection with the second cycle of the universal periodic review.

Paragraph 30

106. Cases of failure to conduct a proper examination of a detained person or of the issuance of pre-signed documents confirming the absence of torture and ill-treatment of a detained person have not been registered.

Articles 12 and 13

Paragraph 31

107. No case of intimidation or harassment of a person alleging acts of torture, including victims, their family members, journalists, lawyers, medical experts, human rights defenders and civil society organizations, has been reported.

108. To ensure freedom of speech and to prevent the harassment of journalists and human rights defenders reporting torture, the articles prescribing liability for libel and insult were removed from the Criminal Code on 3 July 2012.

109. In Tajikistan, no case of prohibition, by decision of the authorities, of the activities of newspapers, magazines or other mass media has been recorded, except for bans on the publication and distribution of newspapers by extremist and terrorist organizations recognized as such by a court.

110. In the past few years, there have been two instances of criminal prosecution of media professionals for specific criminal offences.

111. The Code of Criminal Procedure provides for the participation of a lawyer or defence counsel in criminal proceedings from the moment a criminal case is instituted against a particular person, and in cases where proceedings are launched on evidence of an offence, from the moment of arrest of the suspect. Suspects, accused persons, defendants and their legal representatives, as well as other persons acting on their behalf or with their consent, have the right to hire or retain a lawyer or defence counsel. Under the Code, it is not permitted for defendants to refuse legal representation by invoking a lack of funds to pay for legal assistance or other circumstances indicating that they have been forced to forgo counsel. In such circumstances the State pays for the services of a lawyer.

112. Under the Bar and Advocacy Act, lawyers are independent in the performance of their duties and are subject only to the law. In exercising their professional activity, they enjoy freedom of speech in oral and written forms within the limits of the law profession.

113. There are accordingly no legislative obstacles to access to lawyers. Both in legislation and in practice, there are no obstacles that could restrict or prevent lawyers from meeting with their clients. In practice, too, denial of access by lawyers to detainees in criminal cases has not been found.

114. The assertion that lawyers engaged in so-called high-profile cases are threatened, physically assaulted or intimidated, and face unjustified interference by prosecutors and other law enforcement officers, is unfounded.

115. In its judgment of 13 January 2015, the Dushanbe City Court found Shuhrat Kudratov guilty of committing crimes under articles 247 (4) (fraud on a particularly large scale), 36 (5), 32 (2) and 320 (2) (complicity in bribery), and he was sentenced to 9 years of imprisonment. During interrogation, Mr. Kudratov partially acknowledged his guilt in committing fraud.

116. Concerning the institution and investigation of the criminal case against the lawyers Buzurgmehr Yorov and Nuriddin Makhkamov, it should be noted that criminal proceedings were instituted against Mr. Yorov for committing crimes under articles 247 (fraud on a particularly large scale), 340 (forgery of documents), 189 (incitement to national, racial, regional or religious hatred), 307 (*public calls for the violent change of the constitutional order of the Republic of Tajikistan) and 307[1] (public calls for extremist activities and public justification of extremism), and against Mr. Makhkamov for committing crimes under articles 247 (fraud on a particularly large scale), 340 (forgery of documents) and 189 (incitement to national, racial, regional or religious hatred). Criminal investigations have been completed and the cases have been referred to the courts.

117. On the totality of the crimes committed, the criminal division of the Dushanbe City Court sentenced Mr. Yorov to 28 years and Mr. Mahkamov to 21 years of deprivation of liberty.

118. As a result of the criminal activity of Mr. Yorov and Mr. Makhkamov, the victims suffered material damage in the amount of more than 436,612 somoni.

119. The guilt of Mr. Yorov and Mr. Makhkamov as charged is confirmed by the sufficient evidence collected during the investigation, such as statements and testimony of victims and witnesses, forensic evidence, examinations of a forensic, linguistic, psychological, religious or political nature and other material evidence.

120. The pretrial investigation and judicial review of this case were conducted in public.

121. During the pretrial investigation, Mr. Yorov's and Mr. Makhkamov's right of defence was ensured and they were granted visits by lawyers, as well as by relatives, in private and without time restrictions.

122. Mr. Yorov and Mr. Makhkamov were prosecuted and convicted not for their political views, but for the specific criminal offences that they had committed.

123. In September 2017, a message was posted on the Internet alleging that Mr. Yorov had been subjected to violence in prison. The Central Penal Correction Department of the Ministry of Justice conducted an official investigation into this information, as a result of which the allegation was shown to be unfounded. Mr. Yorov testified that all the above allegations had no validity. He also explained that since the start of his imprisonment, no violence or other humiliating acts had been committed against him. Officials from the Office of the Commissioner for Human Rights conducted an independent investigation and found that the reports were not substantiated.

124. A similar situation arose in the case of Dzhamshed Yorov, who was convicted not for his political views, but for the specific criminal offences committed by him.

125. From September 2015 to June 2016, Mr. Yorov, who was participating in the criminal case against members of the Supreme Political Council of the Islamic Renaissance Party as defence lawyer for the deputy chair of the party, Mahmadali Hayit, became acquainted with case files that were labelled "Secret". During the closed trial, Mr. Yorov violated the requirements of article 53 of the Code of Criminal Procedure on non-disclosure of information. He had become aware of such information during the pretrial investigation and the closed court hearing, in connection with the provision of legal assistance. After the verdict of the criminal division of the Supreme Court was pronounced, Mr. Yorov, by prior conspiracy with his client's wife, S.K. Dzhurabekova, in a way the investigation was unable to establish, obtained a copy of the above-mentioned verdict containing State secrets and disseminated it on social networks through the Internet.

126. On the basis of this evidence, a criminal case against Mr. Yorov was opened on 23 August 2016 under article 311 of the Criminal Code (disclosure of State secrets), and he was detained by the authorities responsible for the pretrial investigation on suspicion of committing the above crime. In its decision of 26 August 2016, the Sino district court applied the preventive measure of detention in custody. On 30 September 2016, on the basis of article 27 (1) (4) of the Code of Criminal Procedure and General Amnesty Act No. 1355 of 24 August 2016, the criminal case against Mr. Yorov was terminated and he was released from custody.

127. Mahmadali Hayit, Rahmatullo Rajab and Saidumar Khusaini, members of the terrorist/extremist organization the Islamic Renaissance Party, were indeed detained in the State Committee on National Security's remand centre during 2015–2016. No complaints or statements about instances of torture or poor conditions of detention in the State Committee on National Security's remand centre were submitted by them personally or by their legal representatives.

Paragraph 32

128. In its verdict of 7 July 2016, the I. Somoni district court in Dushanbe found Abubakr Azizkhodjaev, the director of Durnamo Ltd, guilty of committing crimes under article 32 (1) and article 189 (incitement to national, racial, regional or religious hatred) of the Criminal Code, and he was sentenced to 2 years and 6 months of deprivation of liberty in an ordinary regime correctional colony.

129. Mr. Azizkhodjaev has declared that he was not subjected to torture or other cruel, inhuman or degrading treatment during his period of detention in prison No. YAT 9/1 in Dushanbe or while serving his sentence in penitentiary institution YAS 3/6 of the Central Penal Correction Department of the Ministry of Justice.

130. The Procurator General's Office completed an investigation and, upon approval of the bill of indictment, sent a criminal case for consideration on its merits to the Supreme Court on charges that deputies, members of the Supreme Political Council of the Islamic Renaissance Party and other accomplices had committed offences under articles 187 (1) (organization of a criminal community), 179 (3) (a) (terrorism), 189 (3) (a) (incitement to national, racial or religious hatred), 307 (3) (public calls for the violent overthrow of the constitutional order), 313 (armed insurrection), 32 (3) - 309 (sabotage), 199 (4) (a) and (b) (theft of weapons and ammunition in a particularly large amount), 195 (3) (illegal acquisition and transfer of weapons and ammunition), 104 (2) (a, b, g, h, i, k, l, o) (murder with aggravating circumstances), 32 (3) — 104 (2) (a, b, h, i, k, l, o) (attempted murder with aggravating circumstances), 306 (forcible seizure of power), 307^1 (1) and (2) (public calls for extremist activities), 307^2 (2) (organization of an extremist community), 302^3 (2) (participation in the activities of an extremist organization) and 170 (bigamy) of the Criminal Code.

131. The objective and irrefutable evidence in the above-mentioned criminal case that was collected in the process of the pretrial investigation and judicial review established that the former Chair of the Islamic Renaissance Party, Kabiri Mukhiddin, and his deputies, U.F. Husaynov, and M.R. Khaitov, in prior criminal collusion with other members of the Supreme Political Council of the Islamic Renaissance Party and Deputy Minister of Defence A.M. Nazarzoda, with the aim of forcibly overthrowing and changing the constitutional order of the Republic of Tajikistan and establishing an Islamic state, as well as of committing crimes of a terrorist nature and armed insurrection, from 2010 onwards organized a criminal community (criminal organization) from among former United Tajik Opposition fighters, consisting of more than 20 groups of 15–30 members, and directly supervised this criminal community. As a consequence, on 3 September 2015, members of the criminal community numbering more than 200 people, on the personal instructions of the former Deputy Minister of Defence, A.M. Nazarzoda, gathered in the building of a former bread-baking plant that was the personal property of the latter and, armed with previously stolen weapons, embarked on an armed rebellion against the State. The following items were discovered and seized during the investigation: in the offices of the deputy chairs of the Islamic Renaissance Party, Mr. Husaynov, and Mr. Khaitov, approved plans for an attack on important State and administrative facilities, as well as leaflets printed on the work computer of a member of the Supreme Political Council of the Islamic Renaissance Party, Hikmatullo Saifullozoda, with calls for the forcible seizure of power; and at the places of residence of the deputy chairs of the Islamic Renaissance Party, members of the Supreme Political Council of the party and other accomplices, a large amount of religious literature and audiovisual products of an extremist nature, in particular, propagandizing the ideas of Islamic State in Iraq and the Levant (ISIL). In the course of the judicial investigation, these and other pieces of evidence were objectively, comprehensively and thoroughly investigated and confirmed, exposing the defendants in the incriminated acts. The allegations that Mr. Hayit, the former deputy chair of the Islamic Renaissance Party, and Mr. Rajab, a member of the party, together with Mr. Husaynov (Saidumar Khusaini), the deputy chair of the party, were tortured in the State Committee for National Security detention facility by officials of the Ministry of Internal Affairs Organized Crime Department (OCD) are unfounded. From the moment of their arrest all the defendants in this criminal case were provided with lawyers selected by the accused themselves or their close relatives, who were given unlimited time to familiarize themselves with the case file. The arguments advanced by them were carefully and objectively verified during the investigation and trial. Owing to the fact that this criminal case concerned issues of national and public security of the Republic of Tajikistan, the investigation and judicial review were classified as "Secret". The investigation and judicial review of the criminal case were conducted strictly within the framework of the national law of criminal procedure and international legal norms.

132. In its verdict of 2 June 2016, the Supreme Court found Mr. Husaynov and Mr. Khaitov guilty and sentenced them, for the combination of crimes they had committed, to imprisonment for life. By the same court verdict, Mr. Rajab was sentenced to 28 years in prison. The son of I. Tabarov — Firuz Iskhakovich Tabarov — was accused of taking part in the activities of the religious movement "Salafia", banned by the Supreme Court, and also of having established contacts on the Internet with representatives of the terrorist and extremist organization "Islamic State" and, at their direct request, of recruiting citizens of Tajikistan and financing their dispatch to Syria to participate in military operations on the side of that organization. In particular, on 29 June 2015, he provided financing, on behalf of members of ISIL, in the amount of 10,000 Russian rubles for a trip to Syria by D.D. Rakhimzod, a resident of Vahdat, and was preparing to send F.K. Rakhmonzoda, a citizen of Tajikistan, to Syria. In its verdict, the Vahdat City Court sentenced Mr. Tabarov under articles 36 (5) and 401[1] of the Criminal Code to 13 years and 6 months of imprisonment. No evidence of torture, violence or other infringement of Mr. Tabarov's rights was found during the pretrial investigation or while he has been serving his sentence.

Article 14

Paragraph 33

133. The right of victims of torture to compensation for material and moral harm is regulated by the Code of Criminal Procedure (ch. 47) and the Civil Code (arts. 15 and 171).

134. In practice, several court decisions have already been made regarding the award of such compensation. In particular, by a court decision in April 2016, the sum of 16,000 somoni was paid as moral damages to an injured person, Kayumov Khushvakht, who had been coerced into giving evidence. The law enforcement officer who had committed torture was sentenced to 7 years in prison.

135. In order to improve judicial practice in cases of torture and compensation for harm to victims of torture, the plenary session of the Supreme Court on 25 June 2012 adopted a special resolution on the application of criminal law and criminal procedure legislation to combat torture.

136. The powers of procurators' offices in criminal proceedings have been brought into line with international standards. The new Code of Criminal Procedure fully equates the situation of the prosecution and defence in judicial proceedings, and it has removed the power of procurators' offices to suspend the execution of court decisions.

Article 15

Paragraph 34

137. If, during consideration of a criminal case in court, it is established that evidence has been obtained through the use of torture, cruel treatment, violence, threats, deception or other unlawful acts, such evidence is recognized as inadmissible. In this regard, article 86 of the Code of Criminal Procedure (assessment of evidence) has been reworded. In addition, the Code of Criminal Procedure has been supplemented by article 88 (1) (inadmissible evidence).

Article 16

Paragraph 35

138. Article 373 of the Criminal Code stipulates that violation of the regulations on relations among military personnel, in the form of abuse, humiliation or degradation, cruel treatment, impairment to health or unlawful deprivation of liberty (so-called hazing), is punishable by a custodial sentence of up to 3 years, or up to 10 years if there are aggravating circumstances.

139. The Central Military Procurator's Office regularly conducts individual interviews with conscripted military personnel and periodic checks for bodily injuries, with the participation of medical experts. *Videosurveillance cameras and helplines have been installed in all military facilities, which allows for timely detection and prevention of cases of hazing. Extended boards, or coordinating councils of law enforcement agencies and military structures, are systematically held and also deal with the prevention of crimes, including the suppression of hazing and ill-treatment of conscripted military personnel by officers.

140. On the basis of an order of the Procurator General and in accordance with the order of the Central Military Procurator, all military units have been provided with telephone hotlines and boxes for complaints and statements, through which military personnel can apply directly to military procurators. During the reporting period, 73 offences involving violence against military personnel (27 in 2016 and 46 in 2017), on which legal actions have been taken, were reported via the telephone hotlines.

141. In the period 2016–2017, military procurators registered 249 instances of violations (132 in 2016 and 117 in 2017), of which 150 (85 in 2016 and 65 in 2017) were of article 373 of the Criminal Code (violation of the rules of conduct prescribed by military regulations governing relations between military personnel of the same rank) and 99 (47 in 2016 and 52 in 2017) were of article 391 of the Criminal Code (abuse of power by officers resulting in impairment to the health to conscripted military personnel).

142. Criminal proceedings were instituted in all the cases identified and, after approval of bills of indictment, were referred to the courts.

143. Military procurators interact with the media to cover the progress and outcome of investigations of criminal cases involving violence against military personnel.

144. During this period, the military courts considered 169 criminal cases against 213 defendants (99 cases and 128 defendants in 2016 and 70 cases and 5 defendants in 2017). Based on the results of their consideration, the courts handed down convictions in 162 cases (95.8 per cent) against 206 persons (96.7 per cent). In seven cases concerning seven persons, the trial was halted without exoneration of the individuals concerned. In 81 criminal cases, 93 persons (45.1 per cent) were sentenced to deprivation of liberty and 113 defendants (54.8 per cent) were punished with non-custodial sentences.

145. Of the total number of persons convicted in all categories of criminal cases, 33 were officers, 3 were ensigns (warrant officers), and 177 were privates or sergeants.

Paragraph 36

146. The extent of homophobia and transphobia in Tajikistan is very limited. Not a single complaint has been made to law enforcement agencies about harassment of or pressure on lesbian, gay, bisexual and transgender (LGBT) persons. At the same time, Tajikistan has not legalized same-sex marriages, the adoption of children by same-sex partners or the possibility of LGBT service in the army, owing to the rejection of this phenomenon by society in Tajikistan and its inconsistency with the Eastern mentality.

Paragraph 37

147. See answer to paragraph 29.

Other issues

Paragraph 38

148. Concerned about the growing threat of international terrorism, Tajikistan is taking measures to strengthen the legislative, legal and institutional framework accordingly.

149. In particular, Tajikistan has actively joined the programme to prevent and counter violent extremism and radicalization that lead to terrorism (the VERLT programme) being

implemented under the auspices of the Organization for Security and Cooperation in Europe (OSCE).

150. On 12 November 2016, the National Strategy on Counteracting Extremism and Terrorism for 2016–2020 and the action plan for implementing this Strategy were approved by presidential decree. A draft of the Strategy was presented by the delegation of Tajikistan at the meeting of the OSCE Security Committee in Vienna on 18 April 2016.

151. The National Strategy, as a programmatic document, defines the goals, objectives and main directions of State policy on countering extremism and terrorism. The Strategy aims to analyse the factors and trends of extremism and radicalization leading to terrorism in Tajikistan; to define the main directions of State policy in the field of countering extremism and terrorism in order to protect the foundations of the constitutional order of the Republic, public security, and citizens' rights and freedoms from extremist and terrorist threats; to improve the legal and institutional framework, as well as practices to counter extremism and terrorism; to promote the formation of tolerant attitudes and behaviour and religious and interfaith harmony in society; to consolidate the efforts of State authorities, local self-governing bodies of settlements and villages, civil society and international organizations to curb the spread of extremist and terrorist ideas and activities; to increase the effectiveness of the interaction of competent authorities in preventing and combating manifestations of extremism, terrorism, drug trafficking, and money laundering of the proceeds of crime that serve as a source of financing for extremism and terrorism; and to improve regional and international cooperation in preventing and combating extremism and terrorism.

152. The Office of the Procurator General has been entrusted with the important task of coordinating, overseeing and fostering implementation of the National Strategy.

153. Since the beginning of 2017, in accordance with the above-mentioned presidential decree, and with the aim of giving effect to the measures envisaged in the action plan for implementation of the National Strategy, central and local government authorities and local self-governing settlements and villages have drawn up and approved departmental plans and have carried out public awareness work on the substance and goals of this programmatic document.

154. Various organizations and local activists are taking coordinated steps, jointly with local government bodies and other relevant bodies, to advocate against the violent manifestation of extremism and terrorism in vulnerable regions of Tajikistan.

155. With the financial support of the United Nations Development Programme, 5,000 books with the full text of the Strategy have been published in Tajik, Russian and English and sent out to all representatives of law enforcement agencies, ministries and departments, public associations, international organizations and civil society.

156. On two occasions during the reporting period, international organizations and civil society took an active part in discussion of the National Strategy on Counteracting Extremism and Terrorism for 2016–2020, as well as the action plan for its implementation.

157. In addition, a joint meeting of the Council of Procurators General of Tajikistan and Kyrgyzstan was held in Qayraqqum (Sughd Province) from 18 to 20 May 2017, during which issues related to the prevention of conflict and illegal crossing of the State border, opposition to radicalism, religious extremism and terrorism, as well as the development of international cooperation, were considered and appropriate decisions taken.

158. Practical experience shows that migrant workers are the main target for recruiters of terrorist organizations. During the investigation of criminal cases, it has been found that citizens of Tajikistan who travelled outside the country, mainly to the Russian Federation, in search of work were sometimes later sent to Middle Eastern countries and joined terrorist organizations.

159. In each of these cases the air tickets and other travel expenses of "recruits" have been paid for by recruiters.

160. As a result of significant intensification of the work of the consular services of Tajikistan in Turkey and other countries, law enforcement agencies have already managed

to prevent attempts by our citizens to cross the Turkish-Syrian border and have returned them to their homeland.

161. During the period under review, productive work was carried out by the relevant bodies to study the legal issues of cooperation by CIS member States in countering the use of the Internet for the placement of materials of a terrorist or extremist nature.

Paragraph 39

162. The question of making the declarations under articles 21 and 22 of the Convention is currently being considered (see response to paragraph 26).